

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated January 23, 2007 (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the §103(a) rejection based upon the teachings of U.S. Publication No. 2005/0101323 by De Beer (hereinafter “De Beer”) and WO 01/63843 to Balogh (hereinafter “Balogh”) because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. As pointed out previously, De Beer is unrelated to the claimed invention; therefore, in contrast to the Examiner’s assertions, fails to teach or suggest several of the asserted limitations. In addition to not teaching the limitations acknowledged at page three, De Beer also does not teach at least storing connection settings where a network identifier is associated with alternative connection settings and comparing the current network identifier to the stored network identifier, as claimed in each of independent Claims 1, 9 and 17.

More specifically, De Beer does not teach a network identifier associated with alternative connection settings, as claimed. In contrast, cited paragraphs [0056]-[0059] teach that network identification information includes a mobile network code (MNC) for each network (paragraph [0056]) and that the MNC for each network in the list is compared with a forbidden network table (paragraph [0057]). Also, the cited paragraphs do not discuss storing multiple connection settings where a network identifier is associated with at least some of the alternative connection settings. Thus, De Beer does not teach storing connection settings, as claimed.

Moreover, De Beer has not been shown to teach the claimed comparison. As pointed out previously, paragraph [0058] merely teaches comparing a list of available networks with a list of preferred networks using network identifiers received from the available networks. Since Fig. 6 (which paragraph [0058] describes) illustrates “an initial part of the registration procedure,” there is no discussion or teaching of a currently applied connection setting having a current network identifier or any comparison using a current

network identifier. Thus, De Beer has not been shown to teach comparing a current network identifier, as claimed.

Further, paragraph [0068] discusses comparing an identifier of a registered local network with networks listed in updated preferred and forbidden network tables; however, there is no indication that the MNC (asserted as corresponding to the claimed network identifier) is associated with connection settings as claimed. The mere identification of a target network by the MNC does not correspond to the claimed association with connection settings. *See, e.g.*, Specification page 6, line 26 through page 8, line 3. Thus, De Beer, which is solely relied upon as teaching these limitations, fails to correspond to at least the claim limitations directed to storing and comparing.

In addition, the reliance upon the teachings of Balogh is misplaced as Balogh has not been shown to overcome the acknowledged and above-discussed deficiencies in the teachings of De Beer. For example, the cited portion of Balogh is directed to initial network access and discusses comparing received available network information with stored information sets. No teaching of a currently applied connection setting has been identified; therefore, selection of a connection setting associated with the same network identifier as the network identifier of a currently applied connection setting has not been shown to be taught by Balogh. Similarly, Balogh has not been shown to teach the further limitations discussed above as being absent in De Beer such as comparing a current network identifier with a stored network identifier.

As De Beer does not correspond to several of the claimed limitations and Balogh has not been shown to overcome these deficiencies, neither of the asserted references teaches several of the claimed limitations. For example, neither of the asserted references has been shown to correspond to the claimed selection of at least one connection setting associated with the same network identifier as the network identifier associated with the currently applied connection setting. As neither of the asserted references teaches these limitations, any combination of these references must also fail to teach such limitations. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant accordingly requests that it be withdrawn.

Dependent Claims 2-8 and 10-16 depend from independent Claims 1 and 9, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed combination of De Beer and Balogh. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-8 and 10-16 should also be allowable over the asserted combination of De Beer and Balogh.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

Also, new Claims 18-20 have been added. Claim 19 largely corresponds to the subject matter of original Claim 9 and Claims 18 and 20 largely correspond to the subject matter of original Claim 10; therefore, the new claims do not introduce new matter. Claim 9 was amended to remove the term “means”, which should not limit the scope of the claim. New Claims 18-20 are believed to be patentable over the asserted references for the same reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.080PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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